REMARKS

Status of the Claims

In the present Amendment, Claim 1 has been amended to provide that the claimed elongation at break of the rubber composition constituting the rubber layer A is 1.02-1.45 times an elongation at break of the rubber composition constituting the rubber layer B. Support for the amendment is found, for example, at page 5, line 5 of the specification.

Claim 6 has been added. Support is found, for example, in the examples of the present application. Specifically, support for the lower bound value of 1.10 is found in working Example 1, wherein the elongation at break of rubber layer A was 110 index (i.e., 110 index rubber layer A / 100 index rubber layer B = 1.10); and support for the upper bound value of 1.25 is found in working Example 2, wherein the elongation at break of rubber layer A was 125 index (i.e., 125 index rubber layer A / 100 index rubber layer B = 1.25).

No new matter has been added, and entry of the Amendment is respectfully requested. Upon entry of the Amendment, Claims 1, 2, 4 and 6 will be pending.

The Present Claims are Patentable over JP '209 in view of JP '609 and Taguchi

In paragraph 2, on page 2 of the Office Action, Claims 1, 2 and 4 were rejected under 35 U.S.C. § 103(a) as being unpatentable over JP 10-297209 (JP '209) taken in view of JP 2001-260609 (JP '609) and Taguchi et al. (U.S. Publication No. 2002/0134480) (hereinafter "Taguchi").

Applicants traverse.

The presently claimed heavy duty pneumatic tire is patentable over the Examiner's combination of JP '209, JP '609 and Taguchi, at least because these references fail to disclose or

suggest that an elongation at break of the rubber composition constituting the rubber layer A adjacent to the innerliner layer is larger than that of the rubber composition constituting the rubber layer B adjacent the carcass layer. In addition, JP '209, JP '609 and Taguchi fail to suggest that fracture resistance is improved by the structural relationship between elongation at break of the rubber compositions constituting the rubber layers A and B.

JP '209 discloses a tire having a carcass layer (4), a rubber layer A (6a), a rubber layer B (6b) and an innerliner layer (5). However, JP '209 fails to teach or suggest that an elongation at break of the rubber layer B (6b, corresponding to the rubber layer A in the presently claimed invention) adjacent to the innerliner layer (5) is larger than an elongation break of the rubber layer A (6a, corresponding to the rubber layer B in the presently claimed invention) adjacent to the carcass layer (4). Specifically, JP '209 discloses in Table 1 that, in Example 1, the rubber layer A (6a) has an elongation at break of 110 by index, and the rubber layer B (6b) has an elongation at break of 98 by index. Thus, in Example 1 of JP '209, the elongation at break relationship between rubber layer B and rubber layer A corresponds to a value of 98 / 110 or 0.891, which is outside of the claimed range. Further, JP '209 discloses in Table 1 that, in Example 2, the rubber layer A (6a) has an elongation at break of 105 by index, and the rubber layer B (6b) has an elongation at break of 99 by index. Thus, in Example 2 of JP '209, the elongation at break relationship between rubber layer B and rubber layer A corresponds to a value of 99 / 105 or 0.943, which is outside of the claimed range.

Accordingly, the index of the elongation at break of the rubber layer A (6a) (which corresponds to the claimed rubber layer B) adjacent to the carcass layer (4) is not lower than that of the rubber B (6b) (which corresponds to the claimed rubber layer A) adjacent to the innerliner layer (5) in either of the examples of JP '209. In contrast, the present claims provide for the

elongation at break of the rubber layer A being greater than that of the rubber layer B. In other words, JP '209 provides for the exact opposite relationship between the elongation at break of the rubber layers A and B from the presently claimed invention. Thus, JP '209 fails to suggest the claimed heavy duty pneumatic tire, and in fact, arguably discourages or "teaches away from" the claimed elongation at break relationship between the rubber layers A and B.

JP '609 and Taguchi fail to cure the deficiencies of JP '209.

For example, JP '609 discloses a tire having a carcass ply (6), a medium liner rubber (9) and an innerliner rubber (10). However, JP '609 fails to disclose or suggest that the medium liner rubber (9) has two layers.

Further, Taguchi discloses a tire having a carcass, an inner liner and a rubber layer disposed between the carcass and the inner layer. However, Taguchi fails to teach or suggest that the rubber layer disposed between the carcass and the inner liner has two layers.

For at least the reasons above, Applicants submit that one of ordinary skill in the art would not have arrived at the structure of the claimed heavy duty pneumatic tire from the Examiner's combination of references, in which an elongation at break of the rubber composition constituting the rubber layer A adjacent to the innerliner layer is larger than that of the rubber composition constituting the rubber layer B adjacent the carcass layer, let alone have realized that fracture resistance is improved thereby.

In view of the above, Applicants respectfully request reconsideration and withdrawal of the rejection of Claims 1, 2 and 4 based on JP '209 in view of JP '609 and Taguchi.

Conclusion

In view of the above, reconsideration and allowance of Claims 1, 2, 4 and 6 of this application are now believed to be in order, and such actions are hereby solicited.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the local, Washington, D.C., telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

(61,446)

Travis B. Ribar
Registration No. 61,446

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: September 8, 2010